

YOUTH SERVICES POLICY

Title: Ethics for Public Employees: Nepotism, Prohibited Contractual Relations, Gifts Next Annual Review Date:	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.38
	Page 1 of 5
References: Code of Governmental Ethics (La. R.S. 1950, Title 42; Chapter 15); La. R.S. 42:1101 et seq.	
STATUS: Approved	
Approved By: <i>Simon Gonsoulin, Deputy Secretary</i>	Date of Approval: 02/27/2007

1. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405 and the Code of Governmental Ethics.

2. PURPOSE:

To ensure compliance with the Code of Governmental Ethics.

3. APPLICABILITY:

Undersecretary or designee, Assistant Secretary, Deputy Assistant Secretaries, Facility Directors, YS Central Office Human Resource Director, Human Resources staff, all permanent and temporary employees, including full and part-time, and student workers.

4. DEFINITIONS:

For the purpose of this policy, the following definitions apply:

Agency Head - Chief Officer of a department, office, division, agency, commission, board committee or other organizational unit of a governmental entity.

Relative - Child, sibling, spouse, parent, aunt, uncle, niece, nephew, grandchild, grandparent, step-parent, step-child. Note: The term "relative" applies to those established by blood, marriage (in-law relationships), adoptions, or other legal relationships.

YS Policy No. A.2.38

Page 2

Public Employee – All classified or unclassified employees, temporary and/or permanent, full-time and/or part-time, WAE's (when actually employed) and contractors.

Unit - YS Central Office, Secure Care Facilities and the Division of Community-based Services.

YS Central Office - Offices of the Deputy Secretary, Undersecretary or designee of the Office of Management and Finance, Assistant Secretary of the Office of Youth Development and their support staff.

5. POLICY:

All employees and contractors are governed by the Code of Governmental Ethics. They are in a position of public trust and are not to engage in any activities, either privately or officially, where a conflict of interest may exist. The Code of Governmental Ethics prohibits an agency head from employing any member of his family. It is the Deputy Secretary's policy that no individual may be hired within YS if that individual is related to another employee, as defined under "Relative", who is within his line of supervision. YS employees and contractors are prohibited from accepting gifts, gratuities or rewards for doing any service or thing pertaining to the duties expected in the performance of their jobs.

6. PROCEDURES:

A. A copy of the Code of Governmental Ethics shall be available in each unit's Human Resources Office.

B. Nepotism:

1. During the interview process, each applicant must advise the interviewing supervisor or the interview panel of any relative(s) who are working for YS by filling out Attachment A.2.38 (a) "Relatives Employed with Youth Services." If a relative works for YS, Central Office Human Resources must make a determination whether or not the hiring of the applicant will cause a violation of this policy. No one may be hired in violation of this policy.
2. An employee has a continuing duty to notify his supervisor if he learns that a relative has been hired by YS.

Exceptions:

1. The re-employment of a retiree whose employment was allowed under the provisions of the Code of Governmental Ethics on the date of retirement is not prohibited.
2. Employees hired prior to April 1, 1980 (the effective date of the state statutes cited herein) are not affected by the nepotism provisions of the Code of Governmental Ethics, nor is an employee whose relative becomes an agency head if the employee has been employed by YS for at least one year prior to the relative's appointment to the position.
3. The current employment status of individuals employed on the effective date of this policy is not affected; however, future movements of employees within YS could be affected. Employees cannot be transferred into a position in violation of this policy.

C. Prohibited Contractual Relations:

1. No employee shall participate in a transaction in which he has a personal substantial economic interest of which he may be reasonably expected to know involving YS/OYD.
2. No employee shall participate in a transaction involving YS/OYD in which, to his actual knowledge, any of the following persons has a substantial economic interest:
 - a. Any member of his immediate family.
 - b. Any person in which he has a substantial economic interest of which he may reasonably be expected to know.
 - c. Any person of which he is an officer, director, trustee, partner, or employee.
 - d. Any person with whom he is negotiating or has an arrangement concerning prospective employment.
 - e. Any person who is a party to an existing contract with such employee, or with any legal entity in which the employee exercises control or owns an interest in excess of twenty-five percent, or who owes anything of economic value to such employee, or to any legal entity in which the employee exercises control or owns an interest in excess of twenty-five percent, and who by reason thereof is in a position to affect directly the economic interests of such employee.

3. Every employee shall disqualify himself from participating in a transaction involving YS/OYD when a violation of this policy would result.
 4. No employee shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such employee.
- D. Gifts:
1. No employee shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such employee knows or reasonably should know that such person:
 - a. Has or is seeking to obtain contractual or other business or financial relationships with the employee's agency, or
 - b. Is seeking, for compensation, to influence the passage or defeat of legislation by the employee's agency.
 - c. Conducts operations or activities which are regulated by the employee's agency.
 - d. Has substantial economic interests which may be substantially affected by the performance or nonperformance of the employee's official duty.
 2. Any thing is a "thing of economic value" for purposes of this law and policy. The only exceptions are:
 - a. promotional items having no substantial resale value, such as caps, pens, cups, t-shirts and the like which bear the company's name or logo; and
 - b. food and/or drink items that are consumed as the personal guest of the giver, while in the presence of the giver.
- E. Employees should direct questions/concerns regarding the Code of Governmental Ethics and this policy to the Central Office Human Resources Office.
- F. Human Resources staff shall request guidance from the Central Office Legal Section and/or the Deputy Secretary's office when needed.
- G. The Deputy Secretary, or designee, will request a legal opinion from the Ethics Board when deemed appropriate.

7. VIOLATION:

A willful violation of the Code of Governmental Ethics shall subject the agency head, the public employee having the authority to hire and fire the employee, the immediate supervisor of the employee, and the employee, to disciplinary action and/or penalties.

8. IMPLEMENTATION DATE:

February 27, 2007

Previous Regulation/Policy Number: NA
Previous Effective Date: NA



Attachments/References: A.2.38 (a) Relatives Employed with Youth Services.doc